

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOHN DVORAK,

Plaintiff,

v.

Case No. 07-C-219

DOUGLAS COUNTY SHERIFF, et al.,

Defendants.

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**MEMORANDUM AND ORDER**

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Plaintiff Dvorak lodged a civil rights complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. After refusing to consent to having his case heard by a magistrate judge, the case was transferred to this court. Plaintiff has since filed an amended complaint and a motion for leave to proceed *in forma pauperis*. The latter will be denied as moot, as the plaintiff has already been granted the relief he requests in an order entered by the magistrate judge before the case was transferred.

The magistrate judge also entered a screening order pursuant to 28 U.S.C. § 1915A(a). The amended complaint appears to add additional claims and parties, however, and therefore must also be screened. The original complaint stated a claim for plaintiff's inability to access legal materials, as well as a claim for deliberate indifference due to being deprived of medications. The amended complaint adds as defendants: Fred Linder, jail administrator; Dr. Vujkovic; and a John Doe deputy. It also adds claims for deliberate indifference based on plaintiff's most recent incarceration (beginning March 2007), as well as a claim for deliberate indifference based on denial of health care

in April 2006. The claim against the John Doe deputy is too vague to proceed; the others, however, will be allowed to go forward.

**IT IS ORDERED** that the motion for leave to proceed *in forma pauperis* is **DENIED** as moot; any claims against “John Doe deputy” are **DISMISSED** for failure to state a claim.

**IT IS FURTHER ORDERED** that the U.S. Marshals Service shall serve a copy of the amended complaint, a waiver of service form and/or the summons, and this order upon the defendants pursuant to Fed. R. Civ. P. 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting to make such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is \$8.00 per item. The full fee schedule is provided in 28 C.F.R. § 0.114(a)(2), (a)(3). Even though Congress requires the court to order service by the U.S. Marshals Service when an impoverished person is permitted to proceed in forma pauperis, Congress has not provided for these fees to be waived, either by the court or the U.S. Marshals Service.

**IT IS ALSO ORDERED** that copies of this order be sent to the warden of the institution, or administrator of the jail where the inmate is confined, the Corporation Counsel for Dodge County and Corey Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Plaintiff is hereby notified that, from now on, he is required, under Fed. R. Civ. P. 5(a), to send a copy of every paper or document filed with the court to the opposing parties or their attorney(s). Plaintiff should also retain a personal copy of each document. If plaintiff does not have access to a photocopy machine, plaintiff may send out identical handwritten or typed copies of any documents. The court may disregard any papers or documents which do not indicate that a copy has been sent to each defendant or to their attorney(s).

Plaintiff is further advised that failure to make a timely submission may result in the dismissal of this action for failure to prosecute.

In addition, the parties must notify the clerk of court's office of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties.

Nothing in this order or in § 1915A precludes a defendant from moving to dismiss any claim identified in this order or potentially existing in the complaint if the defendant disagrees with my analysis or believes I have overlooked something during my screening.

Dated this 21st day of May, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge